

REMARKS

The Official Action mailed August 14, 2007, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on July 24, 2003; and August 11, 2003.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-4 and 11-22 are pending in the present application, of which claims 1, 2, 11 and 12 are independent. Claims 1, 2, 11 and 12 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 12, 14, 18 and 22 under 35 U.S.C. § 112, second paragraph, asserting that "[t]he recitation in claim 12 calling for 'source and drain regions over at least a part of the source and drain regions over the second thickness' is not well understood" (page 2, Paper No. 20070810). In response, the Applicant has amended claim 12 to recite "source and drain regions, wherein at least a part of the source and drain regions is provided over the region of the second thickness." The Applicant respectfully submits that amended claim 12 is definite. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

Paragraphs 5, 6 and 8 of the Official Action reject claims 1-4, 12 and 14-16 as anticipated by U.S. Patent No. 6,043,512 to Adachi. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended. Paragraphs 7, 10 and 11 of the Official Action reject claims 11, 13 and 17-22 as obvious based on Adachi. The Applicant respectfully

submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

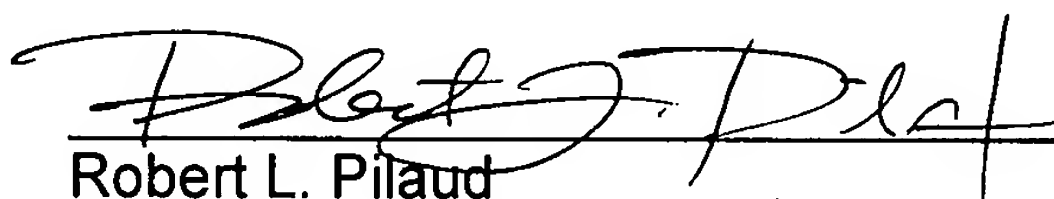
The prior art, either alone or in combination, does not teach, either explicitly or inherently, or suggest all the features of the independent claims, as amended. Specifically, independent claims 1, 2, 11 and 12 have been amended to recite an island-like semiconductor layer entirely covering a projection or a region of a first thickness, which is supported in the present specification, for example, by Figure 13D. For example, the island-like semiconductor layer 104 entirely covers the projection 102b-1. Adachi does not teach, either explicitly or inherently, or suggest the above-referenced

features of the present invention. Rather, Adachi discloses that the island-like semiconductor layer 35 does not entirely cover the projection 33.

Since Adachi does not teach, either explicitly or inherently, or suggest the above-referenced features of the present invention, anticipation and obviousness rejections cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Pilaud", written over a horizontal line.

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